

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT
DIVISION FOUR

MONTRELL MOORE,)	No. ED99996
)	
Movant/Appellant,)	Appeal from the Circuit Court of
)	the City of St. Louis
vs.)	
)	
STATE OF MISSOURI,)	Honorable Thomas J. Frawley
)	
Respondent.)	Filed: May 13, 2014

Montrell Moore (Movant) appeals the judgment of the motion court denying his Rule 29.15 motion for post-conviction relief after an evidentiary hearing. He contends that the motion court clearly erred in denying his claim that defense counsel was ineffective for: 1) failing to call a witness to testify at trial; and 2) failing to elicit testimony from the emergency room physician and medical examiner that someone other than Movant could have caused the child's injuries.

AFFIRMED.

Division IV Holds:

- 1) The motion court did not clearly err in finding that counsel was not ineffective for failing to call Tayrean Smith to testify at trial because counsel made a diligent effort and used reasonable means in an attempt to locate Smith using the contact information provided by Movant. Movant also failed to show that Smith's testimony would have provided a viable defense.
- 2) The motion court did not clearly err in finding that counsel was not ineffective for failing to elicit testimony from the medical doctors during cross-examination that someone other than Movant could have caused the victim's injuries.

We affirm the judgment of the motion court.

Opinion by: Philip M. Hess, J.
Lisa S. Van Amburg, P. J. and Patricia L. Cohen, J. concur.

Attorney for Appellants: Andrew E. Zleit

Attorney for Respondent: Dora A. Fichter

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